

**A G E N D A**

**BOARD OF SHELBY COUNTY COMMISSIONERS**

**CHARTER FORM OF GOVERNMENT**

**FEBRUARY 9, 2004**

**1:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER Deputy Sheriff Ricky Jackson**

**INVOCATION Pastor David Rogers, Lighthouse Baptist Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**

**FORD  
ADOPTED January 12, 2004**

**C O N S E N T   A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

**HOOKS  
(DEFERRED  
TO 02/23/04) 1. Resolution in commendation of Reverend Samuel Billy Kyles.**

**HOOKS  
ADOPTED 2. Resolution honoring Verties Sails, Jr. for twenty-five years of achievement, as head men's basketball coach of Southwest Tennessee Community College.**

**Ordinances**

**HOOKS  
APPROVED 3. ORDINANCE – FIRST READING – (ZTA 03-002 CC)  
A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance, adopted by the Shelby County Board of Commissioners on October 7, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, so as to make certain changes therein as follows:**

**1) Amend Section 29 – Signs,  
Subsection III – Definitions;  
Subsection IV – Classification of signs;  
Subsection V – Signs Prohibited;  
Subsection VI – General Standards;  
Subsection VII – Permanent On-Premise Sign Regulations;  
Subsection XII – Violations; and**

Creating a new Subsection XIII –  
Enforcement and Penalties.

- 2) Amend Section 30 – Non-conformities,  
Subsection E – Non-conforming On-Premise and  
Off-Premise Signs;  
Providing for severability;  
Providing for repeal of conflicting ordinance  
Requirements;  
And providing an effective date.

RENDTORFF  
APPROVED

4. **ORDINANCE – SECOND READING** – An Ordinance to amend  
Section 12-28 of the Shelby County Code of Ordinances,  
Article II, Civil Service Merit System, to designate all Shelby  
County Head Start employees as Unclassified service  
employees.

**Zoning and Subdivisions**

HOOKS  
(A-B)  
ADOPTED

5. Resolution approving various subdivision contracts, plats,  
extensions, bond releases, etc. as recommended by the  
County Engineer.

**Reports and/or Resolutions of Standing Committees**

KIRK  
ADOPTED

6. Resolution approving the sale of seven delinquent tax  
parcels from tax sale(s) 95.1, 98.2, 99.1, 99.2, and 97.3  
pursuant to the provisions of the TCA 67-5-2507.

KIRK  
ADOPTED

7. Resolution approving a contract with Morgan Keegan and  
Company, Inc., for Swap Advisory Services.

LILLARD  
ADOPTED

8. Resolution amending the FY 2003/2004 Operating Budget for  
the Division of Public Works, Memphis and Shelby County  
Emergency Management Agency, Weapons of Mass  
Destruction Grant in the amount of \$250,000.00.

LILLARD  
ADOPTED

9. Resolution amending the FY 2003/2004 Operating Budget for  
the Division of Public Works, Memphis and Shelby County  
Emergency Management Agency, Weapons of Mass  
Destruction Grant, in the amount of \$150,000.00.

LILLARD  
ADOPTED

10. Resolution amending the FY 2003/2004 CIP Budget and the  
FY 2003/2004 Road Department Budget and appropriating  
funds in the amount of \$26,000.00 from CIP Project No.  
101316, Health Department Parking Lot Improvement, for  
resurfacing of the parking lot at the Health Department Vector  
Control Building located at 2480 Central Avenue.

LILLARD  
ADOPTED

11. Resolution to authorize the mayor to award a contract to  
Queen City Railroad Construction, Inc. for the construction of  
rail transportation infrastructure improvements at Osmose  
servicing Millington, Tennessee under the Tennessee

Industrial Infrastructure Program (TIIP), to appropriate funds in the amount of \$497,213.87 and to appropriate contingency amount of \$49,721.38.

AVERY  
ADOPTED

12. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$17,000.00 for provision of a Heart Disease Program for the period October 1, 2003 – June 30, 2004 and amending the FY 2003/2004 Operating Budget.

AVERY  
ADOPTED

13. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$380,700.00 for the provision of Community Prevention Initiative and Primary Prevention Services for the period January 1, 2004 – June 30, 2004, amending the FY 2003/2004 Operating Budget, and amending the FY 2003/2004 Position Control Budget to add one (1) new position.

THOMPSON  
ADOPTED

14. Resolution approving expenditure of funds in the amount of \$95,000.00 for use of laundry service (pick up, wash, dry and delivery) from Porter Street Laundry for the Sheriff's Office Jail Division Laundry.

RENDTORFF  
ADOPTED

15. Resolution to approve Amendment #1 to the Shelby County Community Services Agency Weatherization Assistance Program contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY 2004 Operating Budget from \$1,651,031.00 to \$1,661,031.00, an increase of \$10,000.00.

RENDTORFF  
ADOPTED

16. Resolution approving the Head Start Insurance Policy between Shelby County Government and Pete Mitchell & Associates for term January 1, 2004 through December 31, 2004.

RENDTORFF  
ADOPTED

CONSENT AGENDA

## REGULAR AGENDA

### Elections, Appointments, and Confirmations

RENDTORFF  
ADOPTED

17. Resolution approving the mayor's nominations of Peggy Brewer, Dr. Sabrina Brinson, Dr. Robin Phaneuf, Linda Williams, Dr. Jim Mitchell, and Albertina Herron as community representatives to the Shelby County Head Start Policy Council.

### Ordinances

**HOOKS  
(DEFERRED  
TO 02/23/04)**

18. **ORDINANCE – THIRD READING** – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of **Construction Code Enforcement** and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

**HOOKS  
ADOPTED**

19. **ORDINANCE – THIRD READING - (ZTA 03-004 CC)**  
A Joint Ordinance amending the Memphis and Shelby County **Zoning Ordinance - Regulations** adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- Amend Zoning Ordinance to create a new Single Family Residential In-fill (R-S6 I) Zoning District and amend Chart 1 (Uses Permitted) and Chart 2 (Bulk Regulations).

**HOOKS  
(DEFERRED  
TO 02/23/04)**

20. **ORDINANCE – THIRD READING - (ZTA 03-005 CC)**  
A Joint Ordinance amending the Memphis and Shelby County **Zoning Ordinance – Regulations** adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

**Zoning and Subdivisions**

**HOOKS  
(DEFERRED  
TO 02/23/04)**

21. CASE NO. Z 03-132 CC  
APPLICANT: Durelle Sharpe  
  
LOCATION: West side of Billy Maher Road; +300 feet south of Egypt Central Road  
  
REQUEST: Single Family Residential (R-S8)  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL  
Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL  
  
(Notice of public hearing published in the Daily News on Friday, January 30, 2004.)

**HOOKS  
(DEFERRED  
TO 02/23/04)**

22. CASE NO. P.D. 03-355 CC  
APPLICANT: Nellie B. Hamilton/Rusco Company  
  
LOCATION: North side of Holmes Road; +4,000 feet east of Hacks Cross Road  
  
REQUEST: A planned development to permit 106 single family detached lots with a typical lot size of 8,750 square feet within the plan.  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
REJECTION  
Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS  
  
(Notice of public hearing published in the Daily News on Friday, December 12, 2003)

**HOOKS  
(DEFERRED  
TO 02/23/04)**

23. CASE NO. Z 03-124 CC  
APPLICANT: Toni Cox and Albert Nicholson  
  
LOCATION: West side of Brunswick Road at Davies Plantation Road  
  
REQUEST: Taking property out of the Agricultural (AG) Use District and including in the Residential Estate (R-E) Use District  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL  
Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL  
  
(Notice of public hearing published in the Daily News on Friday, December 12, 2003.)

**HOOKS  
(DEFERRED  
TO 03/22/04)**

24.

**CASE NO. S.U.P. 03-218 CC**

**APPLICANT:** JACS, LLC/Burch Porter & Johnson

**LOCATION:** North side of Fite Road; +/- 2,356 feet west of Tay-for Drive

**REQUEST:** Landfill for Agricultural and Construction/Demolition Waste (Class III/IV)

**Memphis and Shelby County Office of Planning and Development recommendation:**  
APPROVAL WITH CONDITIONS

**Memphis and Shelby County Land Use Control Board recommendation:**  
APPROVAL WITH CONDITIONS

(Notice of public hearing scheduled to be published in the Daily News on Friday, March 12, 2004.)

**Reports and/or Resolutions for Standing Committees**

**KIRK  
ADOPTED**

25.

**Resolution to freeze the Shelby County Position Control Budget at the current positions and salaries except for increases provided by current policy.**

**KIRK  
ADOPTED**

26.

**Resolution to enact performance based budgeting; to establish budget guidelines and establishing the budget process for the fiscal year beginning July 1, 2004, and all subsequent fiscal years.**

**RENDTORFF  
(DEFERRED  
TO 02/23/04)**

27.

**Resolution approving settlement agreement in case of *Clark Construction Group, Inc., Plaintiff, VS. City of Memphis and the Memphis Cook Convention Center, Defendants*, Civil Action No. 01-2780 U.S. District Court.**

**BOLTON  
ADOPTED**

28.

**Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Titles 3 through 9, Title 12, Title 16, Title 30, Title 36, Title 39, Title 40, Title 45, Title 47, Title 48, Titles 55 through 57, Title 61, Title 62, and Titles 67 through 71, relative to taxation.**

**Adjournment**

**FORD  
ADOPTED**

29.

**Resolution of Adjournment to February 23, 2004 at 1:30 p.m.**

**AGENDA #\_\_\_\_\_**  
**FEBRUARY 9, 2004**

**5A**

**SUBDIVISION:** SHELBY WOODLANDS P.D., PHASE 6 (P.D. 94-302 CC)

**DEVELOPER:** SHELBY DEVELOPERS, L.L.C.

**ACTION:** RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO SHELBY WOODLANDS P.D., PHASE 6 (P.D. 94-302 CC)

**LOCATION:** EAST OF THE INTERSECTION OF RIDGE WALK LANE AND WINDY WILLOW ROAD

**5B**

**SUBDIVISION:** WOODLAND HILLS P.D., THIRD AMENDMENT, PHASE 17, PART OF PARCEL 7 (P.D. 99-352 CC)

**DEVELOPER:** COASTAL FUELS, INC.

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO WOODLAND HILLS P.D., THIRD AMENDMENT, PHASE 17, PART OF PARCEL 7 (P.D. 99-352 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

**LOCATION:** MACON ROAD AT HOUSTON LEVEE ROAD

[For questions regarding the Agenda, please call  
Grace Hutchinson, Chief Administrator, at 545-4301.]